



R. Foss, Jr., 2150 Town Square Place, Suite 600, Sugar Land, Texas 77479-1465. Citation is requested at this time.

### III.

#### JURISDICTION AND VENUE

4. This Court has jurisdiction over this case and the damages sought are within the jurisdictional limits of this Court. Venue is proper in Harris County, Texas, because Defendant is an insurance company whose principal office in this state was in Harris County at the time the cause of action accrued.

### IV.

#### FACTUAL BACKGROUND

5. On April 26, 2018, Phillip Bailey was a passenger in a car that was rear-ended by an uninsured driver. As a result of the collision, Plaintiff sustained serious personal bodily injuries.

6. The uninsured driver was negligent and such negligence was a proximate cause of injuries to Plaintiff.

7. Before this collision occurred, Phillip Bailey had obtained UM/UIM Insurance from the Defendant insurance company to cover this very type of situation. Phillip Bailey has paid the premiums on the policy and this full policy of insurance was in full force and effect at the time of the occurrence made the basis of this lawsuit. Plaintiff would respectfully show that all proofs of loss and other conditions precedent necessary to the maintenance of this suit against the Defendant Insurance Company have been met and fulfilled by Plaintiff.

V.

**DAMAGES**

8. As a result of his bodily injuries, which were proximately caused by uninsured driver's negligence, Phillip Bailey has suffered the following legal damages for which he is entitled to reasonable and proper compensation:

- a. past and future medical bills;
  - b. past and future physical pain and mental anguish;
  - c. past and future physical impairment;
  - d. past and future physical disfigurement;
  - e. past lost wages and future lost wage-earning capacity
9. Plaintiff also sues for punitive and exemplary damages.

10. Plaintiff seeks actual damages in an amount within the jurisdictional limits of this Court. More specifically, Plaintiff seeks monetary relief of over \$1,000,000.

VI.

**REQUESTS FOR DISCLOSURE**

11. Pursuant to Rule 194 of the Texas Rules of Civil Procedure, Defendant is requested to disclose the information and material described in Rule 194.2 within fifty (50) days of the service of this Plaintiff's Requests for Disclosure to Defendant.

VII.

**RULE 193.7 NOTICE**

12. Pursuant to Rule 193.7 of the Texas Rules of Civil Procedure, Plaintiff hereby gives notes that all documents produced by any party to this case will be used at any pretrial proceeding or at the trial of this matter.

**VIII.**

**JURY DEMAND**

13. Pursuant to Texas Rule of Civil Procedure 216, Plaintiff requests a trial by jury and would show that the appropriate fee is paid contemporaneously with the filing of this Petition.

**IX.**

**PRAYER**

WHEREFORE, Plaintiff prays that he have judgment against Defendant Amica Mutual Insurance Company for actual damages shown and proved at trial, for prejudgment and post-judgment interest, for costs of court, and for all other relief, legal and equitable, to which he is entitled.

Respectfully submitted,

**THE LANIER LAW FIRM, P.C.**

By: /s/ Lawrence P. Wilson

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